

REMARKS

Applicant requests favorable reconsideration of this application in view of the following.

Applicant acknowledges entry of Applicant's amendment submitted February 27, 2006, as indicated on Form PTOL-303 mailed March 6, 2006. Applicant thanks the Examiner for allowing Claims 1-15 and for indicating allowable subject matter of Claims 17-19.

Claims 1-20 are pending. Claims 1-15 are allowed, and Claims 17-19 presently stand objected to. Claims 16 and 20 presently stand rejected and will be discussed in detail below.

As indicated in the Advisory Action mailed March 6, 2006, in the Office Action mailed December 13, 2006, Claims 16 and 20 stand rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,321,338 to Porras et al. ("Porras"). This rejection is respectfully traversed.

In the Office Action, it is alleged that Porras' monitor must necessarily append additional information to information being forwarded to the next highest level. However, Claim 16 recites, *inter alia*, adding *identification* information to a transmission received at a first node from the network even if a sender of the transmission is not identified and tracking network transmissions at the first node using the *identification* information and logging the *identification* information and a characteristic of the network transmission as traffic log information. Support is provided, for example, at page 12, line 31 to page 13, line 5. Porras does not disclose this limitation of Claim 16.

Nor does Porras inherently disclose this limitation of Claim 16. To establish inherency, it must be clear that "the missing descriptive matter is necessarily present in

the thing described in the reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

Porras does not require adding identification information to a transmission received at a first node from the network even if a sender of the transmission is not identified and tracking network transmissions at the first node using the identification information and logging the identification information. Porras discloses monitors 16 for analysis of network packets. See col. 3, lines 42-43. In particular, Porras discloses service monitors 16a-16c for analyzing network packets handled by a network entity. See col. 3, lines 42-45. Porras’ service monitors provide a “domain-wide perspective of activity.” See col. 4, lines 2-3. Porras discloses domain monitors 16d-16e that share analysis reports with other domain monitors (see col. 4, lines 11-12) and an enterprise monitor 16f that correlates activity reports across multiple domains (see col. 4, lines 19-20). Thus, Porras’ monitors are directed to domain-level activity, in which a domain includes one *or more* computers, and not activity occurring at a particular node. See col. 3, lines 17-18. Porras therefore does not teach, require, or necessarily disclose, adding identification information to a transmission received at a first node from the network, because identification information is not required for the domain-level analysis taught by Porras.

Furthermore, Porras teaches that each event monitor 16 can analyze event records that *can be formed* from data included in the header and data segment of a network packet. See col. 4, lines 61-67. Thus, Porras teaches that information can be forwarded without necessarily adding any information to a transmission received at a first node, because Porras’ event records can be nothing more than the transmission itself (the network packet). The possibility that Porras’ information can be forwarded without

adding any information to a transmission clearly demonstrates that Porras does not necessarily disclose this feature of Claim 16.

Therefore, Applicant respectfully submits that Porras does not teach or disclose, expressly or inherently, the aforementioned features of Claim 16. For at least this reason, Applicant respectfully traverses these rejections and requests Claim 16 and its respective dependents be allowed.

Applicant respectfully submits that this application is now in condition for allowance and passage to issue is respectfully requested.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3497-9105US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: April 13, 2006

By: *Eric L. Koj, Reg. No. 42,736, for*
James T. Carmichael
Reg. No. 45,306

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 903-9000